

Application Number	Date of Appln	Committee Date	Ward
111091/FO/2016/S2	26th Jan 2016	9th Mar 2017	Didsbury East Ward

Proposal Erection of a two-storey detached dwellinghouse with living accommodation in the basement, including car parking and landscaping following the demolition of existing bungalow

Location 58 Kingston Road, Didsbury, Manchester, M20 2SB

Applicant Mr Saeid Mokhtassi , 58 Kingston Road, Didsbury, Manchester, M20 2SB,

Agent Mr Chris Stubbs, Calder Peel Architects, Market Court, 20-24 Church Street, Altrincham, WA14 4DW

Description



Plate 1: Application Site



Plate 2: Site as viewed from Kingston Road



Figure 1 Proposed front elevation as viewed from Kingston Road.

The application site is located within Didsbury St James Conservation Area, it is irregular in shape and is currently occupied by a bungalow. The site is bounded by Kingston Road and adjacent properties on Kingston Road and Millgate Lane.

There are two extant dropped kerbs from the site to the adjacent highway.

The immediate adjacent streets are characterised by detached residential properties in a range of styles from converted stables, early and late Victorian Villas of three storeys, two storey Arts and Crafts style properties and more contemporary vernacular houses.

The applicant is seeking permission to erect a two-storey detached dwellinghouse with living accommodation in the basement, including car parking and a car port and landscaping following the demolition of the existing bungalow.

This follows an amendment to the original proposal which sought permission for two, two storey detached dwellinghouses.

Consultations

There have been two notifications with regards for this planning application. This was to allow residents and any other interested parties an opportunity to comment on revised plans that were received during the course of this planning application. A summary of their comments have been provided below:

1st Notification – Original proposal for two, two storey detached dwelling houses following demolition of the existing bungalow:

Local Residents/Public Opinion - A total of six representations have been received objecting to the application. A summary of their comments have been provided below;

- Overdevelopment of the site - concern about the number of properties proposed on the site;
- Neighbouring properties will be overlooked by the development;
- Concerned about the scale of development;
- Removal of trees from the site; and,
- Impact on the Conservation Area

Didsbury Civic Society - Objected to the original proposal for the following reasons:

- Overdevelopment of the site;
- Too little space between the proposed houses;
- The site will lose much of its amenity area;
- Concerned that the massing of the proposed dwelling houses adversely affect the street scene;
- The proposal does not enhance the conservation area; and,
- The Civic Society have no objection to the demolition of the present building as they believe the building should be replaced by a development that is appropriate to a conservation area. A single detached house would be much more suitable for this site.

Greater Manchester Ecology Unit (GMEU) – GMEU commented on both bats and trees for this application.

Bats

Although no evidence of bat activity was found at the property recommendations within the submitted survey have been made for the roof tiles and fascia boards to be removed carefully by hand, with the presence of bats borne in mind. If bats are found at any time during works, then work should cease immediately and advice sought from a suitably qualified bat worker. GMEU have recommend that a condition to this effect be placed on any permission, if granted.

Trees

GMEU commented that the trees which are to be felled have the potential to support nesting birds and that all birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

GMEU therefore recommend that works to trees, including felling and pruning should not be undertaken in the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person. GMEU recommended that a further condition to this effect be placed on any permission, if granted, in order to protect wild birds.

Biodiversity Enhancement

GMEU have recommend that opportunities for biodiversity enhancement should be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

2nd Notification – The following responses were received after the re-notification of the amendments to the proposal for one dwellinghouse instead of the two originally proposed:

Local Residents/Public Opinion – There have been a total of nine representations received.

Support – One representation has been received in support of the application stating that they believe the proposal will be an asset to the area.

Comments neither supporting nor objecting – One representation states that they neither support nor object to the revised proposal.

- Application is an improvement on the previous scheme;
- Proposal appears to encroach on an area of a restrictive covenant;
- Windows appear to face into habitable rooms (Bedroom, kitchen and playroom) should be relocated or obscurely glazed;

- Assumed conditions would apply for sustainability, access road kept clean at all times, construction commence within 12 months of demolitions

Objections – Seven representations have been received objecting to the application.

- Two objectors have raised concerns regarding the excavation for the basement and that it will disturb tree roots and the potential for damage;
- The proposed dwelling will be visible from the objectors property and will have an impact on their privacy as the future occupiers will be to view into the neighbouring property;
- Two objectors have raised concerns that the proposal is an overdevelopment of the site, any proposed building should be in keeping with Kingston Road;
- Car parking will be closer to neighbouring properties resulting in potential pollution;
- Removal of trees and lack of assurance and detail on protection measures regarding protection of trees on the adjacent sites;
- The current proposal is an improvement on the previous two houses proposed, however the proposal still poses significant privacy issues due to the proximity of large windows to the adjacent properties
- The proposal encroaches on restrictive covenants;

Greater Manchester Police - The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors.

All garden boundary treatments adjacent publically accessible land in particular the rear boundary should be 2100mm.

Low planting behind the front boundary wall should not exceed 1000mm in height and any tree canopies should fall no lower than 2000mm from the ground. This is in order to allow people to see their surroundings better and eliminate any potential hiding places.

Greater Manchester Ecology Unit (GMEU) - The building was found to offer no significant roosting opportunities and no bats were seen to emerge from the property and no signs of roosting bats were found. Our previous comments regarding this application remain unchanged.

Conservation Areas and Historic Buildings Panel - The Panel felt that existing bungalow building has a negative impact on the character of the conservation area. The Panel stated this proposal was an improvement on the previous submission.

The Panel questioned the materials to be used and expressed some concern that there appears to be a trend to not show materials to be used on drawings. The Panel felt that the uPVC windows as shown on the application form would be an inappropriate choice in the conservation area. The Panel also stated that materials to be used on the roof should reflect those used in the conservation area.

City Arborist – Raised concerns regarding some sections of the submitted arboriculturalist report and sought further clarification regarding the protection of the trees within the root protection zones.

Further information has been submitted by the applicant regarding this matter which now raises no objection from an arboricultural perspective subject to close adherence of the method statement with supervised and signed phases by the appointed arboriculturalist.

Environmental Health – No objection, requested conditions requiring a construction management plan, a scheme for refuse storage and contaminated land.

Publicity – The proposal, due to the sites location within Didsbury St James Conservation Area, has been advertised in the local newspaper (Manchester Evening News) affecting the setting of a Conservation Area.

A site notice was displayed at the front entrance of the application site fronting onto Wilmslow Road. In addition, notification letters have been sent to local residents and businesses close to the application site.

Policies

Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 72, requires that Local Authorities must as a general duty pay “special attention ‘to the desirability of preserving or enhancing the character or appearance’ of conservation areas.

National Planning Policy Framework (NPPF) –

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outline a “*presumption in favour of sustainable development*”. This means approving development, without delay, where it accords with the development plan and where the development plan is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 129 – advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Development Plan

The Development Plan in Manchester comprises of:

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027, the policy states that all development in the City should:

- Make a positive contribution to neighbourhoods of choice including:-
 - creating well designed places that enhance or create character.
 - making a positive contribution to the health, safety and wellbeing of residents
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

These key principles are applied to all planning applications within the City and the application has been considered in accordance with the policy.

Policy 'EN 1 Design Principles and Strategic Character Areas'

Policy EN 1 states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy EN3 'Heritage'

Policy EN3 states that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

It is considered that the proposed development will be in keeping with the character and setting of the conservation area.

Policy EN 18, 'Contaminated Land'

Policy EN 18, states that any proposal for development of contaminated land must be accompanied by a health risk assessment. Details are required to investigate as to whether there is an contaminated land at the site and also to ensure that appropriate mitigation is put in place, if any contaminants are found.

Policy H6 'South Manchester'

Policy H6 relates to new housing in south Manchester and states that south Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

The proposal would provide one family sized dwelling house in a location that is outside of Didsbury district centre.

Policy T2 'Accessible Areas of Opportunity and Need'

Policy T2 states that all new development should provide appropriate car parking facilities.

The proposal is considered to be in accordance with policy T2 as it will provide off-road car parking for at least two vehicles at both properties and will utilise two existing entrances.

The relevant extant **UDP** policies are as follows:

Policy DC 7 'New housing development'

Policy DC7.1 The Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. All new developments containing family

homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

The proposal has been assessed in accordance with policy DC 7.

Policy DC 18 ' Conservation Areas

Extant Policy DC18 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i) the relationship of new structures to neighbouring buildings and spaces;
 - ii) the effect of major changes to the appearance of existing buildings;
 - iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
 - iv) the effect of signs and advertisements;
 - v) any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

The application site is located within the Didsbury St James Conservation Area and the proposals do include the demolition of 20th century bungalow. As set out in this report the loss of this dwellinghouse is considered acceptable, it will enable the enhancement of the character and setting of the conservation area.

Other material policy considerations

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It

also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment;

Paragraph 2.7 states that encouragement for "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.

Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity.

Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.

Paragraph 2.16 advises that the impact of site boundaries can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well-designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.

Chapter 8 'Community Safety and Crime Prevention' – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design;

Chapter 11 'The City's Character Areas' – the aim of this chapter is to ensure that new developments fit comfortably into, and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

The Principle – The principle of a residential property at this location has clearly already been established by the existing dwellinghouse. The applicant originally

sought permission for two dwellinghouses following the demolition of the existing dwellinghouse. However, this gave rise to a number of concerns including the impact of the proposal on the trees within the site and the conservation area and the applicant has since revised the proposal from two to one dwellinghouse.

Matters that will require consideration, in order to assess the acceptability of any proposal are siting/site layout, scale and massing, design and appearance.

As the site also contains a number of trees consideration needs to be given to the potential impact on those trees and further consideration will be given as to whether the proposal has any impact on surrounding residential amenity and that of the future occupiers.

Furthermore the application site as notes lies within a designated conservation area known as Didsbury St James. The proposal require careful consideration in terms of demolition of the existing property and the replacement structure.

Demolition of the existing bungalow – The existing bungalow has recently been vacated. The property was constructed in the 1960s and in terms of design and setting on the conservation area this has a neutral impact.

Subject to a suitable and appropriately designed replacement, which would enhance the conservation area there are no objection to its demolition.

Site layout – As shown in figure 2, the proposed development has been arranged to provide a two storey, five bedroom dwellinghouse on a similar footprint to the existing bungalow (as denoted by the red-hatched lines).

The site would be surrounded by garden space and a driveway together with a carport which will provide two off road car parking spaces for the future occupiers of the property.

The proposed house has been sited so that it would present its main face and pedestrian entrance to Kingston Road, to contribute to its vitality and interest within the street. Furthermore the position of the windows and entrances should ensure that the street is overlooked to promote informal surveillance.

It is considered that the proposal would in terms of siting be inkeeping with the pattern of development which has been gradually established during the last 100 years. The property would be set back by 5.6 metres from the footpath to ensure that reduces the impact on the street.

It is therefore considered that the layout is appropriate for this location.

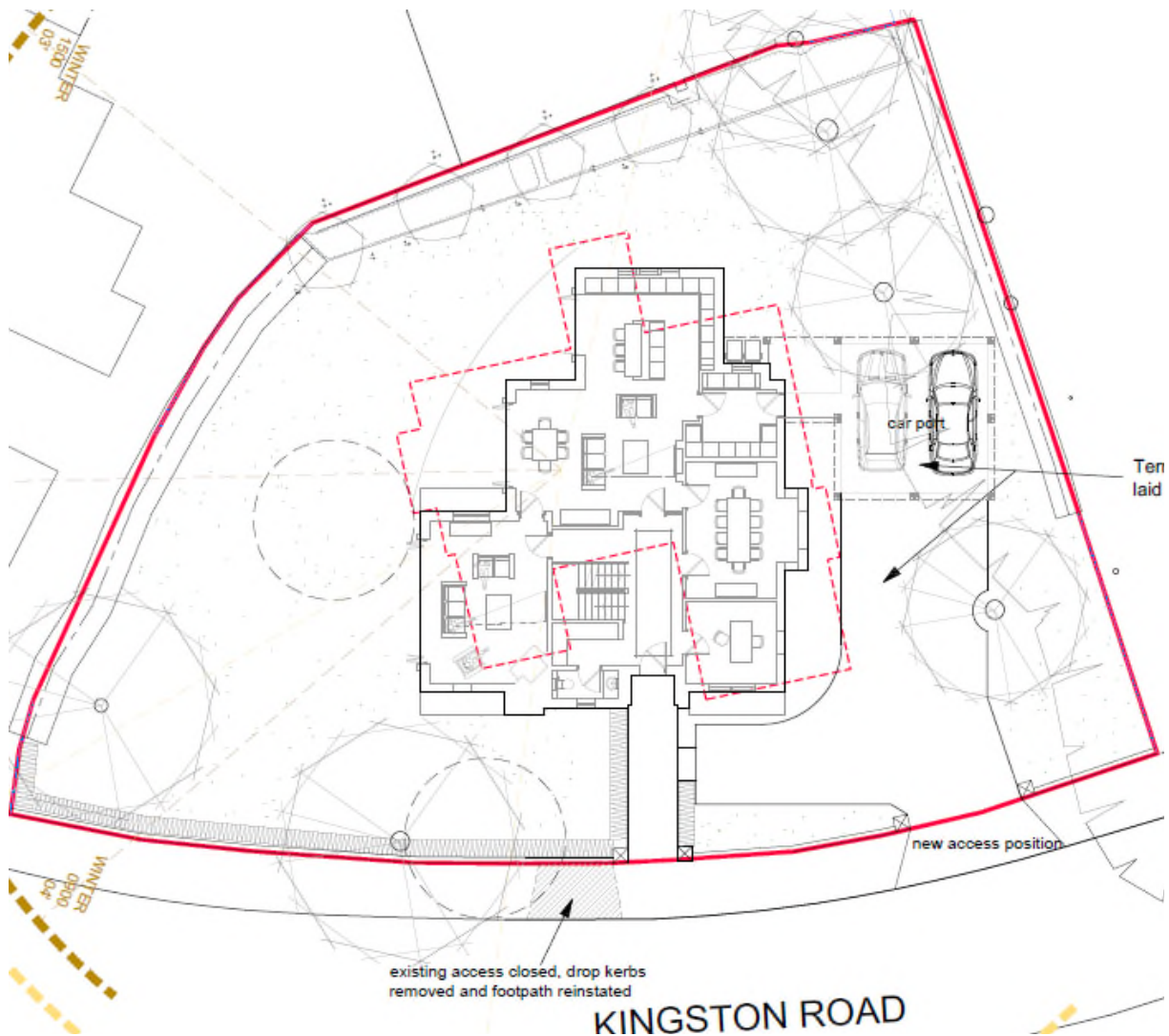


Figure 2: Proposed Site Layout

Scale and Massing - Policy EN1 of the Core Strategy and the Guide to Development in Manchester SPD seek to ensure that the scale of new development is informed by its context. The surrounding area is characterised by large two storey detached dwellings along Kingston Road and with the exception of the grade II listed 40 Kingston Road designed by John Parkinson Whittle in 1963 there are no other single storey dwellings on Kingston Road.

The proposed dwelling is two storeys, measuring approximately 8 metres in Overall height with the eaves height set at 5.6 metres. The proposed hipped roofs reduce the overall massing of the roof.

Objections have been received expressing concerns that the proposal represents an overdevelopment of the site, however the proposal occupies a similar footprint to the existing dwelling and in considering the heights and type of properties on Kingston Road the scale and massing of the proposal is acceptable as shown in figure 3. The impact on the spacious and landscaped character of the conservation area is discussed in more detail below.



Figure 3 Proposed Street scene

Design and Appearance – Ensuring good design is an integral part of policies EN1 and DM1 of the Core Strategy, Guide to Development in Manchester SPD and the NPPF. In this case it is considered that the proposal would be in accordance with these policies.

The southern section of Didsbury St James conservation area is characterised by detached residential properties in a range of styles from converted stables, early and late Victorian Villas of three storeys, two storey Arts and Crafts style properties and more contemporary vernacular houses.

The proposed dwellinghouse would be mostly brick built with natural slate tiling to the roof. In addition there would also be stone detailing to the window surrounds to add interest to the proposal.

The vast majority of housing in the area is of brick form although appearances do vary. It is noted that in this case that the proposal will reflect the bricks used on the former stables (No.41 and 43 Kingston Road).

The precise details of doors and windows have not been provided, therefore it is recommended that a condition is attached to ensure that the materials are sympathetic to the character of the conservation area.

Overall it is considered that the proposal would be in keeping with the character of the conservation area and would be a significant enhancement on the existing bungalow.

Trees – The trees within Didsbury St James are an important characteristic of the conservation area and those on this site are protected by the conservation area status. A number of objections have expressed concerns at not only the loss of the trees within the site but also the impact on neighbouring properties.

The proposal would result in the loss of three trees on the southern and eastern parts of the site. The horse chestnut tree located on the eastern side adjacent to the main entrance is categorised as U and is believed to be dead. The other two trees (a magnolia tree and horse chestnut tree) to be removed are located at the southern part of the site, both are considered to be category C trees (which are defined as being of low value and have no particular merit). It is regrettable that the proposal involves the loss of trees on this site, however as they are considered to be of a very low quality and their replacement with appropriate species is acceptable in this instance. It is therefore recommended that a condition is attached to ensure that the felled trees are replaced with higher quality species.

The trees to the northern part of the site contains the majority of the category A trees of which all are to be retained. The submitted arboricultural implications assessment and method statement has proposed measures to protect these trees. For example in terms of the car port the proposal includes the use of a geo-textile materials to construct a temporary or permanent no dig surfacing within the root protection area (RPA). The reports also note that the existing dwellinghouse is within the RPA of the four trees (T3, T7, T8 and T9) and that the new dwelling is to be moved further away from the RPA of these same trees.

During the course of the application the City Arborist sought clarification from the applicant regarding the long term retention of T2, T3, T7, T8, T9, G3/5, G3/2, G3/3 & G3/4 due to the proximity of the new dwelling and surfacing being within their Root Protection Area's (RPA's). The applicant's arborist clarified that the text within the submitted report highlights the need for careful consideration as the plans show the existing development within the standard root zone of the trees and that the submitted report demonstrates that it is possible to construct the development and ensure the protection of the trees. However, the applicants arborist agrees that works requires site supervision by a competent arboriculturalist at key stages of the construction including demolition.

The City Arborist has reviewed the amended method statement and has raised no objection subject to the close adherences of the method statement with supervised and signed phases by the appointed arboriculturalist.

It is therefore recommended that a further condition is attached to ensure that the works are carried out in accordance with the submitted arboricultural implications assessment and method statement to ensure the protection of the trees within the site.

Ecology - GMEU commented that the trees which are to be felled have the potential to support nesting birds and that all birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

GMEU therefore recommend that works to trees, including felling and pruning should not be undertaken in the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person. GMEU recommended that a further condition to this effect be placed on any permission, if granted, in order to protect wild birds.

It is recommended that both of these conditions are attached.

Impact on Conservation Area – Both policy EN3 and extant policy DC18 state that new proposal should preserve or enhance the conservation area. Furthermore the NPPF requires that new development should protect and enhance the historic environment. Pursuing sustainable development involves seeking improvements in the quality of the historic environment, replacing poor design with better design that makes a positive contribution to local character and distinctiveness.

As already described the proposed development will occupy a similar footprint to that of the existing bungalow. The submitted heritage assessment states that at best the existing dwellinghouse makes a neutral contribution to the character and appearance of the conservation area and certainly not a positive one.

It is considered that the revised proposal of one dwellinghouse would cause no harm to the conservation area and in this case it is considered that the scale, massing and design of the proposal would be in keeping with the character of the conservation area and the area in general

The proposal is considered to be in accordance with policies DC18.1, EN3 and the NPPF.

Car Parking/Highway Considerations – There are two existing dropped kerbs at the address, one provides the existing access into the property from Kingston Road. However there is a concrete post and timber fence panels preventing access from Kingston Road via the second dropped kerb. It is the intention that the second access will be re-opened and become the main access from Kingston Road and the other access removed and returned to footpath. This is considered to be acceptable as the proposed turning head will allow vehicles to manoeuvre within the site to ensure that they can access Kingston Road in a forward gear. It is recommended that a condition is attached to ensure this.

The development will provide two off-road car parking spaces and is therefore considered to be in accordance with DM1 and T2.

Amenity Space - Section 10 of the Guide to Development in Manchester SPD provides the criteria for private amenity space associated with new dwellings. The document states that all new development should be designed to provide on-site amenity space which is fit for purpose and which is informed by, and relates to, the character of the area.

It is considered that the development would comply with policies DM1, H6 and the Guide to Development in Manchester SPD as it would provide an adequate amount of private amenity space for both properties.

Ground Conditions – Policy EN 18 requires that consideration must be given to existing ground conditions and appropriate remediation. Environmental Health has determined that the site has historical evidence of land contamination. It is therefore recommended that a preliminary desk assessment and site investigation report is undertaken plus a remediation strategy and verification report on completion of any remedial work. A condition to this effect is recommended to ensure compliance with policy EN18 of the Core Strategy.

Crime and Disorder - To ensure the safety and security of prospective occupiers, a condition has been included which will require the development to attain 'Secured by Design' accreditation.

Refuse Storage - Policy DM 1 requires that the location of the refuse storage and collection. The proposed development indicates that the refuse bins will be stored at

the rear of the property and will not be visible due to the boundary treatment and gates. This is considered to be an appropriate location for refuse storage, however to ensure adherence to this arrangement and to prevent bins being stored within the property frontage other than on the day of collection a condition should be attached.

Privacy – Concerns have been raised regarding the inclusion of the windows at the side and rear of the property and the opportunity they could afford to overlook the neighbouring properties. The distances to the boundaries and dwellinghouse from the nearest first floor window are as follows:

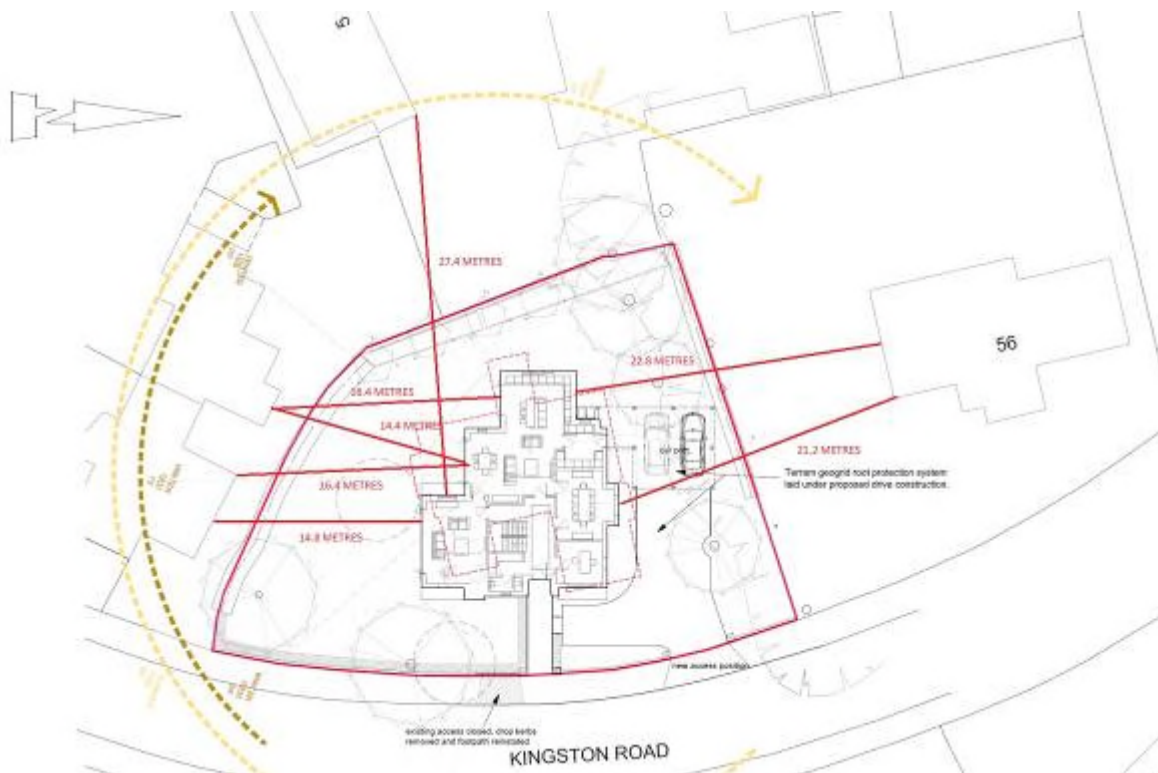


Figure 4 Distances to and from first floor windows to neighbouring properties

At the rear of the property it is proposed that there would be one window at first floor that would which would face towards 23 Millgate Lane. As shown the distance between the edge of the corner of the garage with flat above is 27.4 metres. This first floor window would provide no view towards the main building.

On the southern side facing 41 Millgate Lane and 62 Kingston Road, it is proposed that there would be five windows (one of which will be obscurely glazed as it is a bathroom window). Figure 4 shows that the distances from 41 Millgate Lane vary from 14.4 metres to 16.4 metres.

At the northern side facing towards 56 Kingston Road there are four windows proposed. The closest window is a bathroom window which will be obscurely glazed. The distance from this window to 56 Kingston Road is 21.2 metres.

In order to protect the amenity of the occupiers and neighbouring properties it is recommended that a condition is attached to ensure that the bathroom windows remain obscurely glazed.

The distances stated above together with the orientation of the properties would not result in an undue loss of privacy on the neighbouring properties, in the majority of cases the nearest windows are over 14 metres away from the shared boundaries. Furthermore the dense and in some cases evergreen boundary hedges also helps to mitigate any impact of the development.

Lastly in terms of the pattern of development there are other examples of close relationships in terms of distance to the existing properties on both Millgate Lane and Kingston Road. Notably the relationship of 41, 43 and 66 Kingston Road and 43 Millgate Lane.

Residential Amenity – Although the proposal would provide additional bedrooms in comparison to the existing bungalow this would still provide a family dwellinghouse and it is expected that in terms of comings and goings and general activity at the site this would be similar to any other large detached dwellinghouse on Kingston Road.

Impacts in terms of privacy have been addressed in the section above and there is sufficient amenity space for the future occupiers.

There will be level access into and through the property and the proposal therefore complies with policy DM1.

A further related condition is required to remove the Permitted Development rights normally enjoyed under the Town and Country Planning (General Permitted Development) (England) Order 2015, in order that the houses are not extended, and structures are not constructed/sited within the curtilages, without Planning Permission. This is in the interests of visual and residential amenity, and relationship of the existing residential properties, as advocated within policies DM1 and DC1.

Drainage – The applicant has confirmed that discussions have been held with United Utilities regarding drainage. The development will also incorporate new paths, drives and patio area using permeable paving materials that are laid to flow towards landscaped areas so that they can drain naturally.

Other Matters – A number of representations both during the first and second notification raised the matters regarding a protective covenant on the site. This is not a planning consideration.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land

that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application and these concerns have been addressed in amended drawings. Appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC18 of the Manchester Unitary Development Plan and to policies SP1, EN3 and DM1 of the Core Strategy.

Reason for recommendation

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

DWG: 13055 (PL) 001 A and 13055 (PL) 002 A stamped as received by the City Council as Local Planning Authority, on the 13.01.2017

Arboricultural Implications Assessment and Method Statement reference: PM/AIA/AMS/12/01/17 dated 12th January 2017 stamped as received by the City Council as Local Planning Authority, on the 13.01.2017

Letter titled Re: Method Statement for Trees – 58 Kingston Road, Didsbury, Manchester dated 27 March 2017 stamped as received by the City Council as Local Planning Authority, on the 28.03.2017

Drainage Strategy Statement prepared by Carr Faulkner Associates dated 25th March 2017, stamped as received by the City Council as Local Planning Authority, on the 13.01.2017

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

(d) During each phase of the works including demolition an arboriculturalist shall supervise the works within the site and provide written confirmation to the Council as Local Planning Authority that each phase of work has been undertaken in accordance with the Arboricultural Implications Assessment and Method Statement reference: PM/AIA/AMS/12/01/17 dated 12th January 2017 and the letter titled Re: Method Statement for Trees – 58 Kingston Road, Didsbury, Manchester dated 27 March 2017.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

4) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

5) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Reason - In order to protect wildlife from works that may impact on their habitats, pursuant to policy EN9 of the Core Strategy.

6) For the avoidance of doubt, the dwellinghouses hereby approved shall only be occupied for use within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose.

Reason - To safeguard residential amenity and maintain a sustainable neighbourhood, pursuant to policies H11, SP1 and DM1 of the Manchester Core Strategy and the principles for sustainable development set down in the National Planning Policy Framework.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions or roof alterations shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity, pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).

8) Before first occupation the bathroom windows in the northern and southern elevations shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

9) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the conservation area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

10) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

11) The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

12) Notwithstanding details submitted, no above ground works shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to first occupation of the development hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, in order to comply with policies SP1 and DM1 of the Core Strategy.

13) Notwithstanding details submitted, no above ground work shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority, for the avoidance of doubt this also includes details of the replacement tree planting. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or

shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

14) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 111091/FO/2016/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police
Greater Manchester Ecology Unit
Didsbury Civic Society
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Ecology Unit
Didsbury Civic Society
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Didsbury Civic Society
57 Kingston road, Manchester, M20 2SB

62 Kingston Road, Didsbury, Manchester, M20 2SB
61 Kingston Road, Didsbury, Manchester, M20 2SB
65 Kingston road, Didsbury, Manchester, M20 2SB
63 Kingston Road, Didsbury, Manchester, M20 2SB
47 Kingston Road, Didsbury, Manchester, M20 2SB
42 Kingston road, Manchester, M20 2SB
44 Kingston Road, Didsbury, Manchester, M20 2SB
56 Kingston Road, East Didsbury, Manchester, M20 2SB
62 Kingston Road, Didsbury, Manchester, M202SB
57 Kingston road, Manchester, M20 2SB
58 Didsbury Park, Didsbury, Manchester, M20 5LJ

Relevant Contact Officer : Robert Tyrer
Telephone number : 0161 234 4068
Email : r.tyrer@manchester.gov.uk



 Application site boundary  Neighbour notification
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